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Patent

Attorney's Docket No. 032367-449

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BURTON G. CHRISTENSEN, et al.

Application No.: 09/457,926

Filed: December 8, 1999

For: NOVEL ANTIBACTERIAL AGENTS

)
) Group Art Unit: 1627

)
) Examiner: M. Garcia

TECH CENTER 1600/2900

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a Supplemental Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- [X] No additional fee for submission of an IDS is required.
- [] The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- [] A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- [] A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- [] Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- [] A check in the amount of \$_____ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: Gerald F. Swiss

Gerald F. Swiss
Registration No. 30,113

Date: April 12, 2001



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The following references were cited in the partial European Search Report for a related European Patent Application No. EP 99 92 8455. A copy of the search report is enclosed for the convenience of the Examiner.

1. International Publication No. WO 95/19974, published July 27, 1995.
2. BE 886 467 A, published April 1, 1981.
3. Jin, Jung Il, et al. "Synthesis and antibacterial activities of new beta-lactam compounds." *Yakhak Hoechi*. 30(6): 294-300 (1986). (Database Chemabs 'Online, Chemical Abstract Service, Columbus, Ohio, US).
4. Ohya, S., et al. "Potent Cephalosporinase Inhibitors: 7B-[2-(1,3-Dithiolan-2-ylidene)acetamido]cephalosporins and Related Compounds." *Antimicrobial Agents and Chemotherapy*. 21(4): 613-617 (1982).

BE 886 467 A, is a foreign language patent cited in a partial European Search Report, for which there does not seem to be an English language equivalent. The relevance of this document is that it was cited by a foreign patent office in a related application.

Applicants note that only a Restriction Requirement has been received from the USPTO for this case. Accordingly, this IDS is being filed prior to a first Office Action on the merits, therefore no fee or certification is required under 37 C.F.R. § 1.97(b). In the event that an Office Action is mailed prior to receipt of this paper, the Commissioner is hereby authorized to charge the requisite fees under 37 C.F.R. § 1.97(c) for submission of this paper to Deposit Account No. 02-4800.

By citing the above references, Applicants do not acquiesce or admit that any of these documents are "prior art" under 35 U.S.C. Applicants specifically reserve the right, where appropriate, to antedate any of the cited documents by an appropriate showing under 37 C.F.R. §1.131, §1.604, §1.608 or any other suitable means.

This Information Disclosure Statement contains information which is not in the English language but was cited in a search report or other action by a foreign patent office in a counterpart foreign application. In accordance with M.P.E.P. § 609 A(3) an English language version of the search report or action which indicates the degree of relevance found by the foreign office is being submitted herewith.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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